IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1449 OF 2006

WITH

CRIMINAL WRIT PETITION NO. 1610 OF 2006

WITH

CONTEMPT PETITION NO. 11 OF 2006

AND

CRIMINAL APPLICATION NO. 6 OF 2006

Arvind Birendra Singh. .. Petitioner.

vs.

State of Maharashtra

& Ors. .. Respondents.

Mr. O.A. Siddiqui for petitioner.

Mrs. A.S. Pai, APP., for State.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 13th September, 2006.

P.C.

. The learned counsel for the petitioner submits that the petitioner is not pressing the reliefs sought in all these petitions as he is already on pre arrest bail in four cases i.e. C.R. No. 778 of 2005, C.R. No. 6 of 2006, C.R. No.

264 of 2006 and C.R. No. 300 of 2006 registered at Oshiwara Police Station.

2. It is the apprehension of the petitioner that he may be taken by surprise by causing his arrest without there being any cause and, therefore, this Court may extend protection to the petitioner by directing the respondents to give sufficient notice to the petitioner in case he is required to be arrested on the condition that the petitioner would make himself available to the concerned police station as and when required for the purpose of interrogation.

3. There are series of cases registered against the accused along with other accused of duping people for lacs of rupees by promising them to secure job in foreign countries. The approximate amount is to the tune of Rs. 1 crore.

4. In such cases it should be an endeavour on the part of the investigating agency to first secure the monetary benefits which the person has accrued by cheating the victims so that at least the victims can get their moneys back and the guilty can be put on trial. It appears that the investigating agency has been very casual on this aspect. We are informed that the co-accused in the case have assured that they will repay all the moneys so

recovered on or before 30.9.2006 by making such a commitment before the Court of Sessions.

5. Therefore, in the facts and circumstances it would be proper that the police conclude the investigation in the cases which are pending as expeditiously as possible and in the event any new case is detected against the petitioner they shall be given 48 hours notice to the petitioner before causing his arrest. This relief is being granted by this Court subject to the condition that the petitioner shall not leave the City of Mumbai without the permission of this Court and would make himself available to the concerned police station and the investigating officer as and when required and he would continue to mark his attendance on every Monday at Oshiwara Police Station.

6. Liberty to the parties to seek modification of the order if all the investigations are completed and the presence of the accused is duly secured by obtaining bail bonds and securities to the satisfaction of the trial Court.

7. All the petitions stand disposed of accordingly. In view of this, the contempt petition is also dismissed.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)